

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH D. AUSTIN,

Petitioner,

v.

BARRY SMITH, et al.,

Respondent.

CIVIL ACTION
NO. 22-1125

ORDER

AND NOW, this 27th day of April 2023, upon consideration of the Petition for a Writ of Habeas Corpus, the Commonwealth's Response, the relevant state court record, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, to which no timely objection was filed, is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DISMISSED** and **DENIED**, without an evidentiary hearing; and
3. Petitioner has neither shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims. Consequently, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

/s/Joel H. Slomsky, J.

JOEL H. SLOMSKY, J.